

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

ORIGINAL

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN WIENER
W. KENNETH FERREE
SHERYL J. LINCOLN
HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
MARY J. DENT
COUNSEL

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 26, 1999

(202) 429-4900
TELECOPIER:
(202) 429-4912

e-mail:
general@g2w2.com

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ORIGINAL

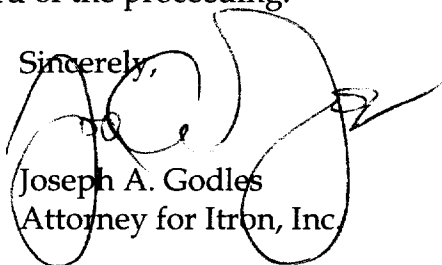
Magalie R. Salas, Secretary
Federal Communications Commission
The Portals Building
445 12th Street, SW TW-A325
Washington, D.C. 20554

Re: Amendment of the Commission's Rules Regarding
Multiple Address Systems
WT Docket No. 97-81
Petition for Emergency Relief of Itron, Inc.
DA 99-1966 and DA 99-2004

Dear Ms. Salas:

Itron, Inc. ("Itron") has sent copies of the enclosed letter to members of the Commission's staff in connection with the above-referenced proceedings, and requests that the letter be included in the record of the proceeding.

Sincerely,


Joseph A. Godles
Attorney for Itron, Inc.

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List ABCDE



*The Telecommunications and Information
Technology Association for Utilities, Pipelines,
and Other Critical Infrastructure Companies*

(October 22, 1999)

The Honorable John McCain
Chairman
Commerce, Science and Transportation
Committee
United States Senate
Dirksen Building, Room 508
Washington, DC 20510

The Honorable Ernest Hollings
Ranking Minority Member
Commerce, Science and Transportation
Committee
United States Senate
Dirksen Building, Room 558
Washington, DC 20510

Re: MAS and Spectrum Auction Exemption (WT Doc. 97-81)

Dear Chairman McCain and Senator Hollings:

On behalf of the United Telecom Council and the organizations listed below, we wish to bring to your attention the above-referenced rulemaking proceeding before the Federal Communications Commission (FCC) involving the use of 900 MHz multiple address systems (MAS) by the Critical Infrastructure Industries (CII) -- namely, the utility, pipeline, and railroad industries. This proceeding is the latest in a long series of FCC actions stretching over ten years, which have only served to delay access to these much-needed channels by the CII. That need has now reached the critical stage. We believe the time has come for legislative action to bring this proceeding to its final conclusion -- and to lift the current freeze on the filing of MAS applications by CII eligibles -- so that these industries have access to the spectrum they need to carry out their public service obligations.

Utilities, pipelines and railroads rely on MAS for telemetry and control functions, such as controlling electric lines and switches, monitoring natural gas, water and petroleum pipeline pressures, remotely operating oil and gas wells and reading utility meters, and real-time operations and signaling along railroad lines. These spectrally-efficient radio systems, operating with bandwidths of 25 kHz or less, are precisely the type of public safety radio services that Congress defined in Section 309(j)(2)(A) of the Communications Act as exempt from auctions, since they are used by these entities to protect the safety of life, health or property and are not made commercially available to the public.

In 1989, fully ten years ago, the FCC allocated additional MAS channels in the 932/941 MHz bands to meet these industries' demonstrated need for additional communications and control circuits. In 1992, license applications were accepted for these new channels but never processed, and were only recently dismissed after the FCC initiated this new rulemaking proceeding proposing auctions in this band.

Without access to these new channels, CII have had to use less reliable radio facilities or telephone lines or, where telephone lines are not available, have simply gone without the additional control and

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sophistication that is possible with smart switches and the communication links to control them, i.e., less data and more manual control.

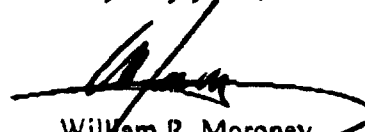
To further compound the problem, the FCC has recently frozen applications by these industries in the only other bands in which these MAS systems can be licensed, namely, the 928/952/956 MHz bands, again with the apparent intent to introduce auctions in these bands. An emergency petition requesting that this freeze be lifted was filed on July 23, 1999 (almost three months ago) by the United Telecom Council (UTC), the American Petroleum Institute (API) and the Association of American Railroads (AAR). While this petition has been put on notice for public comment, recent contacts with FCC officials have indicated that prompt action is not expected nor are prospects for granting the petition favorable despite the overwhelming public support for lifting the freeze.

By eliminating access to spectrum used by CII for important internal applications, the delay in licensing in the 932/941 MHz band coupled with this freeze adversely impacts public safety and serves no valid purpose, since these CII systems by the express intent of Congress are exempt from auctions. Moreover, it is highly unlikely that two or more CII eligibles will file mutually-exclusive applications if an adequate number of new MAS channels (e.g., 20 channel pairs) are allocated for CII use in any given area.

Public safety considerations make any further delay and continued inaccess to MAS channels totally unacceptable and without justification. We respectfully request your support and assistance in creating legislation for: 1) lift the application freeze in the 928/952/956 MHz bands; 2) affirm the continuing availability of those channels for CII eligibles without need to participate in auctions; and 3) allocate to CII an adequate number of new MAS channels in the 932/941 MHz band under the same conditions. We have attached for your consideration suggested legislative language that is strongly endorsed by all the undersigned organizations, representing both the users and suppliers of MAS technology.

On behalf of all citizens who rely on and expect the safe and efficient delivery of their energy, water and transportation needs, we thank you very much for your consideration and assistance. Should you or your staff need any further information, please call Jeffrey Sheldon, Vice President and General Counsel of the United Telecom Council, at 202-872-0030, x.216.

Very truly yours,



William R. Moroney
President & CEO

Attachments:

List of Co-Signers
Suggested Legislative Language

Cc (w/ Attachments):

Maureen McLaughlin
Paula Ford

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CO-SIGNERS

INDUSTRY ASSOCIATIONS:

American Gas Association (AGA)
American Petroleum Institute (API)
American Public Gas Association (APGA)
American Public Power Association (APPA)
American Water Works Association
(AWWA)
Association of American Railroads (AAR)
Association of Oil Pipe Lines (AOPL)
Edison Electric Institute (EEI)
Interstate Natural Gas Association of
America (INGAA)
National Association of
Telecommunications Officers and Advisors
(NATOA)
National Rural Electric Cooperative
Association (NRECA)
United Telecom Council (UTC)

COMPANIES:

Adaptive Broadband Corporation
Arizona Public Service Company
Badger Meter, Inc.
Columbia Energy Group
Consolidated Natural Gas Company
Consumers Energy
Detroit Edison Company
Entergy Services, Inc.
Itron, Inc.
MDU Resources Group, Inc.
MidAmerican Energy
Niagara Mohawk Power Corporation
Schlumberger Resource Management, Inc.
Seattle City Light
Sensus Technologies, Inc.
South Carolina Electric and Gas Company
Southern California Edison
TXU
Union Pacific Railroad

SEC. XX. WIRELESS ALLOCATIONS FOR PUBLIC SAFETY/CRITICAL INFRASTRUCTURE USE**(a) LICENSING OF MULTIPLE ADDRESS SYSTEMS.**

- (1) Within 30 days of enactment of this provision, the Federal Communications Commission shall lift the freeze, adopted May 18, 1999, to permit the acceptance of, and shall process within 90 days of filing, any application for multiple address system channels, that otherwise would have been available for licensing as of that date, under the rules and policies in effect immediately prior to that freeze.
- (2) Within 180 days of enactment of this provision, the Federal Communications Commission shall make effective rules to allocate for the exclusive use of critical infrastructure industries at least half of the multiple address system channels in the bands that were allocated prior to 1990 but which have remained unassigned.

(b) DEFINITION

As used in this Section, the term "critical infrastructure industry" means an electric, gas or water utility, a pipeline, petroleum or natural gas company, a railroad, or a state or local government agency. Private, internal-use radio systems licensed to such entities are "public safety radio services" as defined in Section 309(j)(2)(A).

**EXPLANATORY STATEMENT
FOR SECTION XX
"WIRELESS ALLOCATIONS FOR PUBLIC SAFETY/CRITICAL
INFRASTRUCTURE USE"**

By a *Further Notice of Proposed Rulemaking* in WT Docket No. 97-81, FCC99-101, adopted May 18, 1999, the FCC suspended the acceptance of all applications for multiple address system (MAS) licenses in the 900 MHz band, pending the agency's consideration of its proposal to use competitive bidding to award future MAS licenses. MAS is used extensively by electric, gas and water utilities, petroleum and natural gas pipelines, and the railroads (collectively referred to as the "critical infrastructure industries") to remotely monitor and control numerous key installations in their operating plants (e.g., to monitor and switch electric flows at electric substations; monitor gas or water pressures in pipelines; to control train signaling and switching; or to perform remote utility metering functions).

Critical infrastructure industries are primarily licensed on MAS channels in the 928/952/956 MHz bands. Because these channels were (and are) fully licensed in many areas of the country, the FCC allocated additional channels in the 932/941 MHz bands for MAS use in 1989. In 1992, the FCC accepted applications for the new channels, but took no action on these applications until 1998, when it summarily dismissed the applications as part of a reformulation (Docket 98-21) looking toward the use of auctions to award future MAS licenses.

As a result of these two actions, critical infrastructure industries cannot install any new or modified MAS systems needed to safely and efficiently operate their underlying utility, pipeline, or transportation services.

Section XX would require the FCC to resume accepting MAS applications from applicants proposing to use MAS for their private, internal-use radio systems, and to process MAS applications within 90 days of filing. It would further direct the FCC to adopt rules, within 180 days, to allocate for the exclusive use of critical infrastructure industries at least half of the MAS channels that were allocated in 1989 but never licensed. The provision would define "critical infrastructure industry" as an electric, gas or water utility, a pipeline, petroleum or natural gas company, a railroad, or a state or local government agency, and would clarify that the private, internal-use radio systems licensed to such entities are "public safety radio services" as defined in Section 309(j)(2)(A) for purposes of competitive bidding.

Oct. 20, 1999